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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,729	02/06/2001	Glenn R. Toothman III	00-40292 CIP	6075

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EXAMINER	
LI, ZHUO H	

ART UNIT	PAPER NUMBER
2189	

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/777,729	TOOTHMAN ET AL.	
	Examiner	Art Unit	
	Zhuo H. Li	2189	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 June 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-48* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Office action is in response to the amendment filed 6/17/2005.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-5, 8-9, 16-20, 29-32, 41 and 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Assisi (US PAT. 5,696,488) in view of Manross, Jr. (US PAT. 6,414,663 hereinafter Manross).

Regarding claim 1, Assisi discloses a system for providing instructions directly relating to a substantially immovable equipment, i.e., a gravestone (1, figure 1), at an inaccessible location comprising a permanently spatially transceiver (2, figure 1) affixed to the substantially immovable equipment connected with a processor (5, figure 1) and memory device (4, figure 1) via a data cable (4, figure 1), the instructions directly relating to a substantially immovable equipment residing on the memory device, and a portable memory reading device (3, figure 1), separate from the memory device, that retrieves the instructions from the memory device and communicates the instructions to a user of said portable memory reading device, wherein said processor processes the instructions to and from said memory device, including processing for forwarding of the instructions from the memory device to said memory reading device (the entire patent). Assisi differs from the claimed invention in not specifically teaching the processor and the memory device affixed to the substantially immovable equipment. However, Manross teaches a self-contained electronic memorial comprising a programmable memory and a control unit integrated into gravestones or cemetery urns for allowing a visual history of a person with which that particular memorial is associated (abstract and col. 1 line 32 through col. 3 line 38). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the transceiver of Assisi in having the processor and the memory device affixed to the substantially immovable equipment, as per teaching of Manross, in order to provide the visual history of a person with which that particular memorial is associated.

Regarding claims 2-3, Manross discloses the memory device comprising a contact memory device or a programmable read only memory device (col. 4 lines 41-42).

Regarding claims 4, Assisi discloses that the memory device is permanently affixed to the equipment (figure 1).

Regarding claim 5, Manross teaches the whole self-contained electronic memorial being enclosed in a protective shock and weather resistant case (col. 3 lines 4-7) so that the memory device comprising a weather resistant memory device.

Regarding claim 8, Assisi discloses that the equipment, i.e., the gravestone, is outdoor equipment (figure 1).

Regarding claim 9, Manross teaches the equipment being interior of coffins or cemetery urns, i.e., indoor equipment (col. 1 line 8-13).

Regarding claim 16, the limitations of the claim are rejected as the same reasons set forth in claim 1.

Regarding claims 17-18, the limitations of the claims are rejected as the same reasons set forth in claims 2-3.

Regarding claim 19, the limitations of the claim are rejected as the same reasons set forth in claim 4.

Regarding claim 20, the limitations of the claim are rejected as the same reasons set forth in claim 5.

Regarding claim 29, the limitations of the claim are rejected as the same reasons set forth in claim 1.

Regarding claims 30-31, the limitations of the claims are rejected as the same reasons set forth in claims 2-3.

Regarding claim 32, the limitations of the claim are rejected as the same reasons set forth in claim 5.

Regarding claim 41, the limitations of the claim are rejected as the same reasons set forth in claim 1.

Regarding claims 45-47, Assisi discloses the information related to a deceased person (col. 16-25) so that the information comprises memorial information, historical information and reasons for the dedication.

Regarding claim 48, although neither Assisi nor Manross specifically teaches the information being at least one selected from the group consisting of a user's manual, operation instruction and warranties, having these information do not have a disclosed purpose nor is these information disclosed to overcome any deficiencies in the prior art. As such, the data in the memory device may contain any type of information based on the object, which the memory device is applied to. Thus one skill in the art would recognize to comprise various types of information depending upon applications.

4. Claims 6-7, 21-22 and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Assisi (US PAT. 5,696,488) in view of Manross, Jr. (US PAT. 6,414,663 hereinafter Manross) as applied to claims above, and further in view of O'Brien et al. (US PAT. 6,055,569 hereinafter O'Brien

Regarding claims 6-7, the combination of Assisi and Manross differs from the claimed invention in not specifically teaching the information residing on the memory device in extensible markup language format or hypertext markup language format. However, it is

notoriously well known in the art of information being conveyed in a special format defined as Hypertext Markup Language format or Extensible Markup Language format, for example see O'Brain (col. 1 lines 20-30). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Assisi and Manross in having the information residing on the memory device in extensible markup language format or hypertext markup language format, as per teaching of O'Brain, in order to make compatible in conveying information between computers.

Regarding claims 21-22, the limitations of the claims are rejected as the same reasons set forth in claims 6-7.

Regarding claim 33-34, the limitations of the claims are rejected as the same reasons set forth in claims 6-7.

5. Claims 10-15, 23-28, 35-40 and 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Assisi (US PAT. 5,696,488) in view of Manross, Jr. (US PAT. 6,414,663 hereinafter Manross) as applied to claims above, and further in view of Wants et al. (US PAT. 6,008,727 hereinafter Wants).

Regarding claims 10-15, the combination of Assisi and Manross differs from the claimed invention in not specifically teaching a database for replicating the information on the memory device, which the memory device is uniquely associated with an identifying code, wherein the replicated information being accessed upon receipted of the identifying code by the database through Internet or a telephone network, which the replicated information is able to be revised at the database and communicated from the database to the memory device via the communication

connection. However, Want discloses the system for identifying multiple tags attached permanently to various object comprising a database wherein the information on the memory device is replicated and wherein the memory device is uniquely associated with an identifying code, wherein the replicated information may be accessed upon receipt of the identifying code by the database (col. 9 lines 22- 53), which the replicated information is accessed through an Internet and a telephone network (col. 13 lines 9-27 and col. 14 lines 18-44), and the replicated information is able to be revised at the database, and wherein the revised replicated information may be communicated from the database to the memory device via the communicative connection (col. 8 lines 56-57 and col. 9 lines 1-21) in order to eases problems associated with use of large number of closely place tags. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Assisi and Manross, in having a database for replicating the information on the memory device, which the memory device is uniquely associated with an identifying code, wherein the replicated information being accessed upon receipted of the identifying code by the database through Internet or a telephone network, which the replicated information is able to be revised at the database and communicated from the database to the memory device via the communication connection, as per teaching of Wants, because it eases problems associated with use of large number of problems associated with use of large number of devices for storage retrieval of information.

Regarding claims 23-28, the limitations of the claims are rejected as the same reasons set forth in claims 10-15.

Regarding claims 35-40, the limitations of the claims are rejected as the same reasons set forth in claims 10-15.

Regarding claims 42-44, the limitations of the claims are rejected as the same reasons set forth in claims 10-15.

Response to Arguments

6. Applicant's arguments filed 6/17/2005 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation of combining Manross with Assisi is to provide a visual history of a person with which that particular memorial is associated, thereby improving user friendly.

In response to applicant's argument that Assisi does not teach a processor and a memory device affixed to the substantially immovable equipment, it is noted that Assisi clearly teaches a processor (5, figure 1) and a memory device (6, figure 1) affixed to the immovable equipment (1, figure 1 and col. 2 lines 17-22). Note the claimed language fails to clearly define the novelty of

how to affix the processor and the memory to the substantially immovable equipment. Thus, Assisi is enough to reject the broad claimed limitations.

In response to applicant's argument that Assisi does not teach the processor processes the instructions to and from the memory device including processing for forwarding instructions from the memory device to memory reading device, it is noted that Assisi clearly teaches a processor (5, figure 1) for controlling a dialogue communication between at least one portable communication unit (3, figure 1) and the memory device (6, figure 1), wherein the computer includes access restriction (col. 2 lines 48-58). Thus, one skill in the art would recognize the processor processing the instructions to and from the memory device including processing for forwarding instructions from the memory device to memory reading device in order to perform the dialogue communication between at least one portable communication unit (3, figure 1) and the memory device (6, figure 1). As a result, Assisi and Manross, either alone or in combination teaches the claimed limitations.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zhuo H. Li whose telephone number is 571-272-4183. The examiner can normally be reached on Tuesday to Friday from 9:30 a.m. to 7:00 p.m. The examiner can also be reached on alternate Monday

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim can be reached on 571-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Zhuo H. Li
Patent Examiner
Art Unit 2189

MATTHEW KIM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER